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JOINT INSPECTION UNIT

Analysis of cost savings from JIU reports, 1985-1992

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Joint Inspection Unit entitled "Analysis of cost savings from JIU reports, 1985-1992" (JIU/REP/93/7).

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JIU/REP/93/7
November 1993

ANALYSIS OF COST-SAVINGS FROM JIU REPORTS AND NOTES, 1985-1992

Prepared by

George F. Saddler
SENIOR ADVISER AND CONSULTANT

Richard Hennes, Co-ordinator

Joint Inspection Unit

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JIU/REP/93/7

ANALYSIS OF COST SAVINGS FROM JIU REPORTS, 1985-1992

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Joint Inspection Unit

Geneva
1993

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EXECUTIVE SUMMARY AND INSPECTORS' CONCLUSIONS

Selected for integrity, objectivity, system-wide knowledge and expertise, the Joint Inspection Unit's Senior Adviser and Consultant has analyzed for their cost-savings implications the 394 recommendations in the 74 JIU Notes and Reports issued between 1 January 1985 and 31 December 1992. Of these recommendations he has isolated 30 specific recommendations in 14 Notes and Reports as particularly susceptible to the quantification the Joint Inspection Unit requested him to make.

With the explicit authorization of the Unit, the Senior Adviser and Consultant invoked the assistance of the JIU's Participating Organizations in quantifying the selected recommendations. He has reported receiving excellent co-operation from these Organizations in an admittedly difficult task.

As a result of this detailed review and analysis, the Senior Adviser and Consultant has identified $78,400,000 in cost-savings which resulted, or could have resulted, from the implementation of JIU recommendations over the eight year period under review. This amount compares very favorably to the 24 million dollars it took to operate the Unit over the same period.

However, both the Senior Adviser and Inspectors recognize that the insistence on maximum possible agency verification and the elimination of many recommendations from consideration because of significantly greater difficulties in quantification have resulted in less than full justice being done to the savings inherent in those recommendations which have not been selected for study. Nevertheless, the rigor and conservatism of the Senior Adviser's analysis and the difficulties implicit in the quantification process have persuaded Inspectors in the future:

1. To be more specific and action-oriented in formulating their recommendations;

2. To seek, in close consultation with Participating Organizations, to identify the programme budget implications (expenditures and cost-savings) of their recommendations;

3. To continue to welcome proposals from the ACABQ that the Unit inspect or investigate matters coming to the Advisory Committee's attention during its examination of budgets, financial accounts and other reports and documentation of the Participating Organizations; and

4. To focus more rigorously on the potential for cost-savings in developing and carrying out the Unit's work programme.

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I. REPORT OF THE SENIOR ADVISER: INTRODUCTION AND METHODOLOGY

1. One of the functions, powers and responsibilities contained in the Statute of the Joint Inspection Unit is that it shall "satisfy itself that the activities undertaken by the [Participating] Organizations are carried out in the most economical manner and that optimum use is made of resources available for carrying out these activities."

2. In paragraph 60 of its report to the forty-seventh session of the General Assembly (A/47/34), pursuant to the above statutory function, the Unit referred to the possible amount of savings which it believes would have resulted from the implementation of some of the recommendations contained in its Notes and Reports. This same report to the General Assembly also stated that "despite the difficulties involved, the Unit recognized the importance of quantifying its cost savings and has such an analysis in process."

3. Therefore, in October 1992 the Unit engaged a Senior Consultant to assist in carrying out the analysis of the cost savings contained in JIU Notes and Reports issued between 1 January 1985 and 31 December 1992, an eight year period. The Senior Consultant was requested to examine in detail all of the Unit's Notes and Reports issued during the eight year period, to study all recommendations contained in those Notes and Reports and to endeavor to quantify or estimate, if possible, the cost savings to Member States and Participating Organizations that could realistically be linked to the specific recommendations, if implemented or not. The complete terms of reference for the Senior Consultant are contained in the Annex.

4. The Senior Consultant obtained, read and studied each of the 74 Notes and Reports issued between 1 January 1985 and 31 December 1992 plus all the documents of the General Assembly, the Secretary General, the Advisory Committee on Administrative and Budgetary Questions, the Economic and Social Council, the Administrative Committee on Co-ordination and the Participating Organizations which were related to these JIU Notes and Reports. In addition, because some Notes and Reports contained in the eight year period under review made reference to previously issued JIU Notes and Reports, it was necessary for the Senior Consultant to also examine these additional JIU Notes and Reports issued before 1 January 1985. Obtaining all of the necessary background documents proved to be a difficult and time-consuming task because a single data base did not exist in the United Nations system containing all relevant JIU documents.

5. Out of this voluminous material, which contained 394 recommendations covering, inter alia, the review, revision and clarification of important policy issues, the evaluation of Participating Organizations' programmes and activities, the improvement of management and methods, revisions of organizational or

secretariat structures, strengthening or increasing programmes and activities and, finally, proposals whose implementation would lead to cost savings, the Senior Consultant was requested to develop a methodology for quantifying or estimating these cost savings.

6. Of the 74 JIU Notes and Reports issued in the eight year period selected for examination, some 14 Notes and Reports contained recommendations which the Senior Consultant felt could be quantified or estimated with the assistance of the Participating Organizations. In all, 30 specific recommendations were identified in the 14 Notes and Reports as possibilities for quantifying or estimating the cost savings that could ensue, if implemented. An analysis listing the 30 cost saving recommendations is provided in the following chapter.

7. It became clear to the Senior Consultant that a number of other JIU recommendations contained in the 74 Notes and Reports dealing with, for example, policy issues or the improvement of management and methods also contained the possibility of resulting in cost savings for Member States and Participating Organizations, if implemented, but that the quantification or estimation of the likely cost saving would be too difficult to determine or would require an excessive work effort and substantial cost. It was also clear from the detailed examination of the 394 recommendations in the 74 JIU Notes and Reports issued in the eight year period under review that many important and useful recommendations made by Inspectors had not focused on cost savings aspects as this was not considered as the only objective of the Unit or the only way to measure the JIU's effectiveness.

8. The examination of cost savings in JIU Notes and Reports would also have been more revealing if some earlier issued JIU Notes and Reports could have been taken into account, for example the 1977 Report on First Class Travel in the United Nations' Organizations, the 1980 Report on Control and Limitation of Documentation in the United Nations System, the 1980 Report on Management of Interpretation Services in the United Nations System as well as the 1993 Report on Decentralization of Organizations within the United Nations System, Part III: The World Health Organization. While the estimated amounts of cost savings involved in these additional reports were not quantified, it is the view of the Senior Consultant that the amounts involved would have been meaningful.

9. Following the segregation of the 30 specific recommendations contained in the 14 JIU Notes and Reports, letters were sent to each Participating Organization requesting additional information on cost savings possibilities. Efforts were made to involve the Participating Organizations in the cost savings examination because it was recognized that they are the only ones with sufficient knowledge and familiarity with their own internal operations to provide the key elements necessary

for the quantification or estimation of cost savings. In the preparation of this report the Participating Organizations have co-operated and assisted the Senior Consultant in an excellent manner and most Participating Organizations have replied to the requests made for additional data and cost savings information. Several replies were not as complete or comprehensive as expected, no doubt due to the volume of work involved in the task, other higher priorities in the Participating Organization and staff shortages in some key services. Nevertheless, the Senior Consultant used the information received to the maximum extent and supplemented it, where required, in order to complete the cost savings examination and achieve the JIU's original objective which was to quantify the cost savings in some of the JIU Notes and Reports despite the difficulties involved.

II. REPORT OF THE SENIOR ADVISER:ANALYSIS LISTING EACH OF THE 30 COST SAVING RECOMMENDATIONS BY JIU NOTE OR REPORT

10. As noted in paragraph 6 above, the following 30 recommendations from 14 JIU Notes and Reports were identified as reasonable possibilities for quantifying or estimating cost-savings with the assistance of the relevant Participating Organizations:

JIU/REP/85/2
"The changing use of computers in organizations of the United Nations system in Geneva: Management issues" (Prepared by Inspector Earl D. Sohm).

This JIU report contains one recommendation which it is believed would result in substantial cost savings to the United Nations system, if implemented. This recommendations is:

> RECOMMENDATION 8. The Administrative Committee on Co-ordination (ACC) should develop the best possible proposal to extend to the specialized agencies of the system telecommunications arrangements which are presently granted only to the United Nations, and present this proposal to the earliest possible meeting of the Administrative Council of the International Telecommunication Union (ITU).

JIU/REPORT/85/13
"Follow-up report on organization and methods for official travel" (Prepared by Inspector Miljenko Vukovic).

This JIU report contains proposals which it is believed should have resulted in cost savings, if implemented. Recommendation I states:

> "The Secretary-General should prepare a comprehensive report to the forty-first session of the General Assembly describing what he has done, up through the preparation of the report, to implement the JIU recommendations endorsed by the General Assembly in resolution 37/24I. Specifically the report would inform on:
>
> (a) The feasibility of establishing an in-plant operation or a United Nations owned and operated travel agency at United Nations Headquarters with in-house branch offices at all major duty stations. If the Secretary-General concludes that it is feasible to have either one or the other and if he has not yet acted to do so, he would inform the Assembly on the time-frame for doing so. Conversely, if the Secretary-General considers that no form of in-plant arrangement is a viable proposition nor is a United Nations-owned and operated agency a feasible scheme, he would explain clearly why, through the provision of legal, economic, financial, managerial (including human resource and general administrative elements) and moral reasons;

(b) The efforts made to seize extant opportunities to reduce costs through direct purchase of tickets from air carriers around the world; through participation in the various incentive schemes of air carriers; through the purchase of tickets in bulk; and other cost-saving devices. The resuls of these efforts would be quantified. Obstacles to widening these efforts would be described, with an indication as to whether they can be resolved or whether, for the foreseeable future they constitute an impediment to further gains;

(c) A thorough assessment of the results of the three-year contract entered into with Don Travel Service Inc. effective I November I983. The net financial benefit to the United Nations should be calculated, making use of the United Nations audit review of the travel agency's income. An evaluation of the quality of the service provided should be made with staff participation;

(d) Whether, as recommended by the Inspector in paragraph 62, the contract entered into with Thomas Cook S.A., in Geneva on I April I985 for a period of three years has been terminated;

(e) Whether, as recommended in paragraph 36 of the report, the contract with Don Travel has been extended for a period no longer than one year pending a joint decision on all the issues."

JIU/REPORT/86/7
"Publications of the International Court of Justice" (Prepared by Inspector E. Ferrer-Vieyra)

This JIU report contains one recommendation which it is believed could have resulted in cost savings, if implemented. The recommendation is:

"Recommendation 5. Efforts should be made to lower the Court's printing costs through competitive bidding procedures and by the use of new technology in the printing process."

JIU/REPORT/86/9
"Problems of Storage and its Costs in Organizations of the United Nations System" (Prepared by Inspectors Alexander S. Efimov, Richard V. Hennes and Ivan Kojic).

This JIU report contains nine recommendations which it is believed should have resulted in cost savings, if implemented. These recommendations are:

"RECOMMENDATION 1:

(a) Sending letters to Member States and other addressees, inviting them to reconsider both the number of items and copies they receive with a view to reducing them.

RECOMMENDATION 2:

Strict regulations outlining policies for stock review and disposal of surplus of mimeographed documents, official records and publications should be enforced in the organizations where these exist and established and applied where they do not.

RECOMMENDATION 3:

Strict regultions should be established and implemented to create common registries in departments. Archives should be sent to a common Archives Centre, instead of being housed in offices. Such Archives Centres should be under the jurisdiction of trained archivists.

RECOMMENDATION 4:

For financial as well as for safety reasons, the United Nations Headquarters warehouses in Long Island City and Park Avenue should be vacated and stocks moved to the United Nations garage.

RECOMMENDATION 5:

The relocation of numerous storage places at UNOG, already agreed upon between Publishing and General Services, should be implemented as rapidly as possible.

RECOMMENDATION 6:

In the organizations where efficiency and cost-savings can be achieved through such means, compactus equipment, microform storage, computer-based systems and other applications of automation should be introduced and utilized for storage purposes.

RECOMMENDATION 7:

The optical-disc-based system being most promising in resolving the problems of storage and retrieval of documentation, a test project of this system should be initiated as soon as possible. To achieve maximum efficiency and savings, this project should be authorized for UNOG, both in the Publications and Library Services where the storage facilities are the most deplorable.

RECOMMENDATION 8:

The organizations of the United Nations system should temporarily postpone acquiring optical-disc technology, especially in the field of storage and retrieval, so as to see the results of a test project at UNOG in order to acquire a system which can interface existing and future technologies and permit using documentation and facilities of other organizations.

RECOMMENDATION 9:

(a) For UNOG, authorization should be given to finance this test project (acquisition, installation, maintenance and operation of the equipment) by redeploying resources within the 1986-1987 budget and by not applying to the Publishing Service and Library any new cut or deferment in the approved 1986-1987 appropriations, should such measures be deemed necessary again in 1987 to cope with the financial crisis of the Organization.

(b) The agreement should be made with the Park Avenue Warehouse landlord to secure the buy-out money for moving it and the Long Island City Warehouse to the Headquarters.

(c) An appeal should be launched to Member States, either to make advance contributions to the regular budget (to be deducted from their future contributions) or voluntary contributions for the purpose of introducing the optical-disc-based system."

JIU/REPORT/86/11
"Review of UNICEF Activities and Structure" (Prepared by Inspector Alain Gourdon).

This JIU report contains three recommendations which it is believed should have resulted in cost savings, if implemented. These recommendations are:

Recommendation II

The reorganization of the Programme Division should focus on the geographical sections; the technical sections should be abolished and their staff redeployed and cut back.

Recommendation VII

The Under-Secretary-General-level post for external relations should be eliminated through attrition.

Recommendation XI

Like the budget cycle, the cycle of Executive Board and committee sessions should be biennialized; several related measures should be taken as part of this reform.

JIU/NOTE/87/2
"Note on Cost-Benefit of the Construction OF AN ECLAC Office" (Prepared by Inspectors E. Ferrer-Vieyra and Norman Williams).

This JIU note has a single recommendation which states:

"The work planned should be carried out immediately because it offers solutions to the office space problem and represents savings of over US$ 100,000 per year."

JIU/REPORT/87/4

"Autonomous Research Institutions of the United Nations" (Prepared by Inspector Norman Williams).

This JIU report has one recommendation which it is believed should have resulted in cost savings, if implemented.

"RECOMMENDATION 3 - Income generating activities

Institutes which have not already done so should consider the possibility of offering income-generating activities to their users in order to strengthen their financial viability. These activities could comprise:

- advisory or consultancy services on a fee basis;

- studies, training courses or other tasks undertaken on behalf of United Nations agencies or multi-bi trust fund agencies under United Nations system auspices."

JIU/NOTE/88/1
"Note on Removal Costs" (Prepared by Inspector E. Ferrer-Vieyra)

This JIU Note has a single recommendation which states:

"upon the separation from service of a staff member or on change of duty station and at his request, the Secretary-General may grant a lump-sum allowance in place of removal expenses. The amount of this allowance may not exceed 75 per cent of the house-to-house transportation costs; costs other than transportation costs cannot be taken into consideration."

JIU/REPORT/88/3
"Representation of Organizations of the United Nations System at Conferences and Meetings - Part A. The United Nations" (Prepared by Inspector Ivan S. Kojic)

This JIU Report contains two recommendations which it is believed should have resulted in cost savings, if implemented. These recommendations are:

"RECOMMENDATION 3

(a) The practice of passive participation should be reconsidered and seriously reduced;

(b) Attendance of the United Nations departments at conferences and meetings should be limited to one person;

(c) Wherever liaison or field office exists in the venue of a meeting, travel from Headquarters for representational purposes should not be allowed, unless the meeting is of highly specialized nature, and;

RECOMMENDATION 4

The length of attendance at meetings held outside of Headquarters, which would incur high expenditures for travel and per diem, should be kept to the minimum."

JIU/REPORT/88/7
"Representation of organizations of the United Nations System at Conferences and Meetings. Part B. The Specialized Agencies" (Prepared by Inspector Ivan S. Kojic).

This JIU report contains one recommendation which it is believed should have resulted in cost savings, if implemented. This recommendation is:

RECOMMENDATION 6

With a view to achieving substantial savings and better utilization of human resources, the attendance at international meetings should be limited, as a general policy rule, to one representative and only during the period of discussions of the agenda item of direct interest to the organization. This should explicitly be stated in the decision on designation of representatives.

JIU/REPORT/89/9
"Budgeting in Organizations of the United Nations System" (Prepared by Inspector Siegfried Schumm).

This JIU report contains one recommendation which it is believed should have resulted in cost savings, if implemented. That recommendation is:

RECOMMENDATION 5

Member States which tax the salaries of international civil servants of the United Nations system should compensate, entirely and timely, the costs of administering special arrangements (Tax Equalization Funds, special agreements, etc.) for reimbursements of income tax levied to the staff members concerned. The Member States concerned should make advance payments sufficient to cover the estimated income taxes payable and the costs of administering these arrangements.

JIU/REPORT/89/11
"From the Optical Disc Pilot Project at UNOG to an Optical Disc System for the United Nations" (Prepared by Inspectors Richard V. Hennes, Ivan S. Kojic and Boris P. Prokofiev).

This report contains three proposals which it is believed should, in the long run, result in considerable cost savings for the United Nations, if implemented, even though there would be an initial cost associated with the installation of a fully operational optical disc system in the United Nations. The three recommendations are:

RECOMMENDATION 1:

A fully operational disc system for storage and retrieval of recent and future documentation should be installed in the United Nations Secretariat. The General Assembly may wish to provide in the 1990-1991 budget appropriate resources for such a system;

RECOMMENDATION 2:

Should the General Assembly adopt recommendation I and United Nations Secretariat in-house resources prove insufficient, it may wish to consider the possibility of contracting out the inputting on optical discs of all existing United Nations documentation which will allow the preservation of the institutional memory of the Organization, the ready availability of all United Nations documentation, and substantial additional savings, and;

RECOMMENDATION 3:

The legislative bodies of the agencies of the United Nations system may wish to consider the possibility of installing operational systems of their own. In this eventuality, the results of the UNOG optical disc pilot should be utilized. Paramount consideration should be given to ensuring the most cost-effective configuration compatible with those to be installed in the United Nations Secretariat and the permanent missions of Member States.

JIU/REPORT/90/4
"African Institute for Economic Development and Planning (IDEP)" (Prepared by Inspector Norman Williams).

This JIU report contains two recommendations which it is believed should have resulted in cost saving, if implemented. These two recommendations are:

"RECOMMENDATION 3

(a) Discussions should be held with the host government for the absorption of five general service posts, at present assigned to cleaning and maintenance duties. Steps in this direction are underway, and should be actively pursued.

(b) The number of translators and interpreters could be reduced to one permanent translator/interpreter, using freelance personnel as the need arises.

RECOMMENDATION 4

Meetings of the Governing Council should be held once a year only, immediately before the annual Conference of Ministers of ECA. such an action would further rationalize and reduce expenses."

JIU/NOTE/91/1
"Note on Transport Operations of the United Nations Children's Fund (Programming and Management Issues)" (Prepared by Inspector Siegfried Schumm).

This JIU note contains three recommendations which it is believed should have re lted in cost savings. These three recommendations are:

RECOMMENDATION 1: Medium-term reduction of transport costs

During the next medium-term plan period 1992-1996 UNICEF should aim to reduce the ratio of transport costs to overall programme expenditure from 11 per cent in 1990 to about half of this percentage (paragraph 99).

RECOMMENDATION 8: Fewer four-wheelers and more two-wheelers

More efforts should be made to select fewer four-wheel drive vehicles and more two and three wheelers, bearing in mind recommendation 1 (paragraphs 53 and 54).

RECOMMENDATION 13. Spare parts

UNICEF should no longer supply spare parts in the value of 10 per cent of new transport equipment but on the basis of documented consumption of previously supplied parts. More emphasis should be laid on the rational and integrated management of spare parts for the benefit of all UNICEF-assisted programmes at the country level. United Nations system co-operation should also be sought where feasible (paragraphs 69 and 93).

III. REPORT OF THE SENIOR ADVISER: FINDINGS AND CONCLUSIONS

11. As a result of the detailed review of the 30 recommendations contained in the 14 JIU Notes and Reports issued between 1 January 1985 and 31 December 1992 that were identified by the Senior Consultant as having cost savings potential, the total estimated biennial cost savings amounts to $78.4 millions. The individual tabulation of this estimate is contained in the following table.

12. Some of the future consequences of the JIU examination of the cost savings potential contained in its recommendations could be:

- Recommendations contained in JIU Notes and Reports should be much more specific and action oriented;

- Recommendations which would require the expenditure of additional resources or result in cost savings to Member States and Participating Organizations would contain this information in the JIU note or report, developed in close consultation with the Participating Organization or Organizations involved;

- Closer contact and collaboration might be developed between the JIU and the ACABQ with the latter requesting the JIU to inspect or examine issues, questions or problems that come to ACABQ's attention during its examinations of the budgets, financial accounts and other reports and documentation of the Participating Organizations; and

- Inspectors themselves should have a better understanding of the need and procedures necessary to focus more on the cost savings potential, where appropriate and possible. JIU Notes and Reports could provide adequate explanatory information on the cost savings potential for Member States and Participating Organizations.

TOTAL BIENNIAL ESTIMATED COST SAVINGS

JIU Note or Report Number	Recommendation Number	Amount (U.S. Dollars)
R/85/2	8	14,600,000
R/85/13	1	3,000,000
R/86.7	5	100,000
R/86/9	1 -	
	2 -	
	3 -	
	4 2,000,000	
	5 -	
	6. 2,000,000	
	7 -	
	8 -	
	9 -	
	Sub-total	4,000,000
R/86/11	2 2,500,000	
	7 400,000	
	11 700,000	
	Sub-total	3,600,000
N/87/2	1	200,000
R/87/4	3	600,000
N/88/1	1	5,600,000
R/88/3	3 1,000,000	
	4 -	
	Sub-total	1,000,000
R/88/7	6	6,100,000
R/88/9	5	1,500,000
R/89/11	1 -	
	2 -	
	3 24,700,000	
	Sub-total	24,700,000
R/90/4	3 200,000	
	4 200,000	
	Sub-total	400,000
N/91/1	1 10,000,000	
	12 2,000,000	
	13 1,000,000	
	Sub-total	13,000,000
GRAND TOTAL		78,400,000

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ANNEX

TERMS OF REFERENCE

Purpose of the review

To examine in detail all JIU Reports and Notes issued during the previous eight years, 1985 to 1992, and to estimate the cost savings to Member States and Participating Organizations that can realistically be linked to the implementation of the JIU recommendations, including those savings that might have occurred if JIU recommendations which were not adopted had also been implemented.

Tasks for the Senior Consultant:

- To study each JIU report and note issued between 1 January 1985 and 31 December 1992, and discuss their findings with appropriate Inspectors and JIU staff

- To identify those Reports and Notes that have recommendations that could result in cost savings to Member States and Participating Organization, if implemented;

- To discuss these JIU recommendations with selected or involved Member States and Participating Organizations, concentrating on the cost savings that could result from full and complete implementation of the JIU recommendation;

- To develop a realistic methodology for estimating the legitimate cost savings that might be assigned to the implementation of each JIU recommendation;

- To calculate and document for the JIU, cost savings assigned to the implementation of each JIU recommendation;

- To draft a report on the exercise conforming to the United Nations limitations on the number of pages for documents;

- To make proposals for enhancing the cost savings capabilities of the JIU;

- To complete the above tasks by 31 May 1993.

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GENERAL ASSEMBLY
Forty-eighth session
Agenda items 34 and 35
THE SITUATION IN THE MIDDLE EAST
QUESTION OF PALESTINE

SECURITY COUNCIL
Forty-eighth year

Report of the Secretary-General

1. The present report is submitted in accordance with General Assembly resolution 47/64 D of 11 December 1992 on the question of Palestine. The operative part of the resolution reads as follows:

"The General Assembly,

"...

"1. Reaffirms the urgent need to achieve a just and comprehensive settlement of the Arab-Israeli conflict, the core of which is the question of Palestine;

"2. Welcomes the ongoing peace process, which started at Madrid, and expresses the hope that it will lead to the establishment of a comprehensive, just and lasting peace in the region;

"3. Expresses the need for the United Nations to play a more active and expanded role in the current peace process;

"4. Considers that the convening, at a certain stage, of an International Peace Conference in the Middle East, under the auspices of the United Nations, with the participation of all parties to the conflict, including the Palestine Liberation Organization, on an equal footing, and the five permanent members of the Security Council, based on Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and the legitimate national rights of the Palestinian people, primarily the right to self-determination, would contribute to the promotion of peace in the region;

"5. Reaffirms the following principles for the achievement of comprehensive peace:

"(a) The withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and from the other occupied Arab territories;

"(b) Guaranteeing arrangements for peace and security of all States in the region, including those named in resolution 181 (II) of 29 November 1947, within secure and internationally recognized boundaries;

"(c) Resolving the problem of the Palestine refugees in conformity with General Assembly resolution 194 (III) of 11 December 1948, and subsequent relevant resolutions;

"(d) Dismantling the Israeli settlements in the territories occupied since 1967;

"(e) Guaranteeing freedom of access to Holy Places, religious buildings and sites;

"6. Notes the expressed desire and endeavours to place the Palestinian territory occupied since 1967, including Jerusalem, under the supervision of the United Nations for a transitional period or, alternatively, to provide international protection for the Palestinian people there, as part of the peace process;

"7. Requests the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region, and to submit progress reports on developments in this matter."

2. On 15 September 1993, the Secretary-General, pursuant to the request contained in paragraph 7 of resolution 47/64 D, addressed the following letter to the President of the Security Council:

"I have the honour to refer to resolution 47/64 D, which the General Assembly adopted on 11 December 1992, at its forty-seventh session, under the agenda item 'Question of Palestine', the text of which is attached.

"Paragraph 7 of the resolution requests me to continue my efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region, and to submit progress reports on development in this matter. I should be grateful if the Security Council would convey to me its views no later than 15 October 1993."

3. As at 1 November 1993, no reply had been received from the Security Council.

4. In a note verbale dated 14 September 1993 to the parties concerned, the Secretary-General sought the positions of the Governments of Egypt, Israel, Jordan, Lebanon and the Syrian Arab Republic, and of the Palestine Liberation Organization, with regard to any steps taken by them to implement the relevant provisions of the resolution. As at 1 November 1993, the following replies had been received:

Note verbale dated 12 October 1993 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General

"The Permanent Representative of Israel to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the Secretary-General's note of 14 September 1993 concerning resolution 47/64 D, adopted by the General Assembly on 11 December 1992.

"Israel has long advocated direct negotiations as the only framework to advance peace in the Middle East. The negotiations presently taking place in the framework of the Madrid peace process and the recent achievements with regard to the Israeli-Palestinian and the Israeli-Jordanian talks vindicate this approach. Resolution 47/64 D, on the other hand, runs counter to this principle of direct negotiations. This resolution, while referring to Security Council resolutions 242 (1967) and 338 (1973), also offers, in paragraph 5, a series of principles that prejudge and even predetermine the outcome of the negotiations. This is contrary to any notion of genuine negotiations.

"This resolution is outdated and out of touch with reality. For these reasons, Israel continues to oppose it and believes that it should not be adopted again at the forty-eighth session of the General Assembly."

Note verbale dated 21 October 1993 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

"The Permanent Observer of Palestine to the United Nations presents his compliments to the Secretary-General of the United Nations and has the honour to refer to the note verbale, dated 14 September 1993, regarding General Assembly resolution 47/64 D, and seeks to convey the position of the Executive Committee of the Palestine Liberation Organization, which retains the powers and responsibilities of the Provisional Government of Palestine, on this matter.

"In paragraph 2 of resolution 47/64 D, the General Assembly 'welcomes the ongoing peace process, which started at Madrid, and expresses the hope that it will lead to the establishment of a comprehensive, just and lasting peace in the region'.

"The most significant development emanating from that peace process has been the recent signing at Washington, D.C., on 13 September 1993, of the Declaration of Principles on Interim Self-Government Arrangements, including its Annexes and Agreed Minutes, by the Palestine Liberation Organization and the Government of the State of Israel and by the United States of America and the Russian Federation, as the co-sponsors of the peace process [A/48/486-S/26560, annex]. That agreement and the mutual recognition by the two sides constitute a very important and positive development and step towards the establishment of a comprehensive, just and lasting peace in the Middle East.

"According to the agreement, negotiations on the final settlement, which include several crucial elements, have been postponed and will commence as soon as possible, but not later than the beginning of the third year of the interim period. The most crucial elements to be negotiated include the final status of Jerusalem, the illegal settlements, the rights of the Palestinian refugees and borders. A necessity for the smooth proceeding of the process is the achievement of similar progress on other tracks of the peace process between the concerned Arab States and Israel.

"Paragraph 3 of General Assembly resolution 47/64 D 'expresses the need for the United Nations to play a more active and expanded role in the current peace process'. The Palestine Liberation Organization strongly stresses this need and calls for the full engagement of the United Nations in the peace process, as well as in the provision of assistance to the Palestinian people in their efforts to build their new life and own authority and to effectively implement the Declaration of Principles.

"In paragraph 5 of the same resolution, the General Assembly reaffirmed the principles for the achievement of comprehensive peace. The Palestine Liberation Organization strongly believes that it is the duty of the international community to maintain its position of principle with regard to the inalienable rights of the Palestinian people and the elements of the final settlement. It is therefore the position of the Palestine Liberation Organization that the Assembly should take it upon itself to reaffirm once more the principles for the achievement of comprehensive peace in the Middle East. The principle of the permanent responsibility of the United Nations towards the question of Palestine, until the question is actually resolved in all its aspects, is worth emphasizing in this regard.

"Finally, the Palestine Liberation Organization would like to underscore the request made by the General Assembly in paragraph 7 for 'the Secretary-General to continue his efforts with the parties concerned, and in consultation with the Security Council, for the promotion of peace in the region, and to submit progress reports on developments in this matter'. The Palestine Liberation Organization stands ready to cooperate fully with the Secretary-General to carry out those efforts in an effective and successful manner."

Observations

5. The United Nations has always supported a comprehensive, just and lasting settlement in the Middle East based on Security Council resolutions 242 (1967) and 338 (1973), and taking into account the legitimate political rights of the Palestinian people, including the right to self-determination.

6. In this connection, I have welcomed the Declaration of Principles on Interim Self-Government Arrangements (A/48/486-S/26560, annex) signed by the Government of Israel and the Palestine Liberation Organization on 13 September 1993. It is to be hoped that that agreement will lead to a comprehensive peace in the region, acceptable to all the parties concerned.

7. The United Nations stands ready to lend its full support to the peace process. In this connection, the Organization has, over the past year, participated actively in the multilateral working groups established in the framework established at the Madrid Conference in 1991. Furthermore, to help sustain the momentum of the Israeli-Palestinian negotiations and in an effort to support the implementation of the Declaration of Principles, the United Nations has begun to enhance its economic and social assistance to the West Bank and Gaza. Those efforts will intensify in the months ahead.

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UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW

Report of the Sixth Committee

Rapporteur: Mr. Oleksandr F. MOTSYK (Ukraine)

I. INTRODUCTION

1. The item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law" was included in the provisional agenda of the forty-eighth session of the General Assembly pursuant to paragraph 19 of Assembly resolution 46/50 of 9 December 1991.

2. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Secretary-General (A/48/580), which was introduced by the Deputy to the Legal Counsel at the 33rd meeting on 19 November 1993 (see A/C.6/48/SR.33).

4. The Sixth Committee considered the item at its 33rd and 38th meetings, on 19 and 29 November 1993. The summary records of those meetings contain the views expressed by the representatives who spoke during the consideration of the item (A/C.6/48/SR.33 and 38).

II. CONSIDERATION OF PROPOSALS

5. At the 38th meeting, on 29 November, the representative of Ghana introduced a draft resolution entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law" (A/C.6/48/L.17), sponsored by Bangladesh, Cuba, Cyprus, Ethiopia, Ghana, India, Iran (Islamic Republic of), Kenya, Malaysia, Mexico, the Netherlands, Nigeria,

Rwanda, Senegal, the Sudan, Trinidad and Tobago, the United Republic of Tanzania and Zambia, later joined by Uruguay.

6. At the same meeting, the Sixth Committee adopted draft resolution A/C.6/48/L.17 without a vote (see para. 7).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

The General Assembly,

Recalling paragraph 17 of its resolution 46/50 of 9 December 1991, paragraph 1 of chapter IV of the annex to its resolution 45/40 of 28 November 1990 and paragraph 1 of chapter IV of the annex to its resolution 47/32 of 25 November 1992,

Taking note with appreciation of the report of the Secretary-General on the implementation of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law 1/ and the guidelines and recommendations on future implementation of the Programme within the framework of the United Nations Decade of International Law, which were adopted by the Advisory Committee on the Programme and are contained in section III of that report,

Bearing in mind that the encouragement of the teaching, study, dissemination and wider appreciation of international law is one of the main objectives of the United Nations Decade of International Law, as declared in its resolution 44/23 of 17 November 1989 and further expanded in chapter IV of the annex to its resolution 45/40, containing the programme of activities for the first term (1990-1992) of the Decade, and in chapter IV of the annex to its resolution 47/32, containing the programme of activities for the second term (1993-1994) of the Decade,

Considering that international law should occupy an appropriate place in the teaching of legal disciplines at all universities,

Noting with appreciation the efforts made by States at the bilateral level to provide assistance in the teaching and study of international law,

Convinced, nevertheless, that States and international organizations and institutions should be encouraged to give further support to the Programme and increase their activities to promote the teaching, study, dissemination and

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1/ A/48/580.

wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries,

Reaffirming its resolutions 2464 (XXIII) of 20 December 1968, 2550 (XXIV) of 12 December 1969, 2838 (XXVI) of 18 December 1971, 3106 (XXVIII) of 12 December 1973, 3502 (XXX) of 15 December 1975, 32/146 of 16 December 1977, 36/108 of 10 December 1981 and 38/129 of 19 December 1983, in which it stated or recalled that in the conduct of the Programme it was desirable to use as far as possible the resources and facilities made available by Member States, international organizations and others, as well as its resolutions 34/144 of 17 December 1979, 40/66 of 11 December 1985, 42/148 of 7 December 1987, 44/28 of 4 December 1989 and 46/50 of 9 December 1991, in which, in addition, it expressed or reaffirmed the hope that, in appointing lecturers for the seminars to be held within the framework of the fellowship programme in international law, account would be taken of the need to secure representation of major legal systems and balance among various geographical regions,

1. Approves the guidelines and recommendations contained in section III of the report of the Secretary-General, 1/ and adopted by the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, in particular those designed to achieve the best possible results in the administration of the Programme within a policy of maximum financial restraint;

2. Authorizes the Secretary-General to carry out in 1994 and 1995 the activities specified in his report, including the provision of:

(a) A number of international law fellowships in both 1994 and 1995, to be determined in the light of the overall resources for the Programme of Assistance and to be awarded at the request of Governments of developing countries;

(b) A minimum of one scholarship in both 1994 and 1995 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, subject to the availability of new voluntary contributions made specifically to the fellowship fund;

(c) Subject to the overall resources for the Programme, assistance in the form of a travel grant for one participant from each developing country, who would be invited to possible regional courses to be organized in 1994 and 1995; and to finance the above activities from provisions in the regular budget, when appropriate, as well as from voluntary financial contributions earmarked for each of the activities concerned, which would be received as a result of the requests set out in paragraphs 14, 15, and 16 below;

3. Expresses its appreciation to the Secretary-General for his constructive efforts to promote training and assistance in international law within the framework of the Programme in 1992 and 1993, in particular for the

organization of the twenty-eighth 2/ and twenty-ninth 3/ sessions of the International Law Seminar, held at Geneva from 1 to 19 June 1992 and 1 to 18 June 1993, respectively, and for the activities of the Office of Legal Affairs of the Secretariat related to the fellowship programme in international law and to the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, carried out, respectively, through its Codification Division and its Division for Ocean Affairs and the Law of the Sea;

4. Requests the Secretary-General to consider the possibility of admitting, for participation in the various components of the Programme of Assistance, candidates from countries willing to bear the entire cost of such participation;

5. Also requests the Secretary-General to consider the relative advantages of using available resources and voluntary contributions for regional, subregional or national courses, as against courses organized within the United Nations system;

6. Welcomes, in particular, the publication, in a single volume and in all official languages of the Organization, of the Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice (1948-1991), carried out through the joint efforts of the Codification Division of the Office of Legal Affairs and its secretariat for the Programme of Assistance and of the Registry of the International Court of Justice;

7. Invites interested States to consider the option of financing the translation and publication of the Judgments of the International Court of Justice;

8. Welcomes the efforts undertaken by the Office of Legal Affairs of the Secretariat to bring up to date the United Nations Treaty Series and the United Nations Juridical Yearbook;

9. Expresses its appreciation to the United Nations Institute for Training and Research for its participation in the Programme through the activities described in the report of the Secretary-General;

10. Also expresses its appreciation to the United Nations Educational, Scientific and Cultural Organization for its participation in the Programme, through the activities described in the report of the Secretary-General;

11. Further expresses its appreciation to the Hague Academy of International Law for the valuable contributions it has made to the Programme by enabling selected candidates under the international law fellowship programme to

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2/ See Official Records of the General Assembly, Forty-seventh Session, Supplement No. 10 (A/47/10), chap. V, sect. H.

3/ Ibid., Forty-eighth Session, Supplement No. 10 (A/48/10), chap. VI, sect. E.

attend its annual international law courses and by providing facilities for seminars organized under the fellowship programme in international law in conjunction with the Academy courses and for its constructive efforts in organizing the regional training and refresher course held at Harare in 1993;

12. Notes with appreciation the contributions made by the Hague Academy of International Law to the teaching, study, dissemination and wider appreciation of international law, and calls upon Member States and interested organizations to give favourable consideration to the appeal of the Academy for a continuation of and, if possible, an increase in their financial contributions in order to enable it to carry on with the above-mentioned activities, in particular the summer courses, regional courses and programmes of the Centre for Studies and Research in International Law and International Relations;

13. Urges all States and relevant international organizations, whether regional or universal, to make all possible efforts to implement the goals and carry out the activities contemplated in chapter IV of the programme of activities for the second term (1993-1994) of the United Nations Decade of International Law, dealing with the encouragement of the teaching, study, dissemination and wider appreciation of international law and contained in the annex to its resolution 47/32;

14. Requests the Secretary-General to continue to publicize the Programme and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme or otherwise to assist in its implementation and possible expansion;

15. Reiterates its request to Member States and to interested organizations and individuals to make voluntary contributions, inter alia, for the International Law Seminar, for the fellowship programme in international law and for the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, and expresses its appreciation to those Member States, institutions and individuals which have made voluntary contributions for this purpose;

16. Urges in particular all Governments to make voluntary contributions for the organization of regional refresher courses in international law by the United Nations Institute for Training and Research, especially with a view to covering the amount needed for the financing of the daily subsistence allowance for up to twenty-five participants in each regional course, thus alleviating the burden on prospective host countries and making it possible for the Institute to continue to organize the regional courses;

17. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the Programme during 1994 and 1995 and, following consultations with the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, to submit recommendations regarding the execution of the Programme in subsequent years;

18. Decides to include in the provisional agenda of its fiftieth session the item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

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MEASURES TO ELIMINATE INTERNATIONAL TERRORISM

Report of the Sixth Committee

Rapporteur: Mr. Oleksandr MOTSYK (Ukraine)

I. INTRODUCTION

1. The item entitled "Measures to eliminate international terrorism" was included in the provisional agenda of the forty-eighth session of the General Assembly in accordance with paragraph 16 of General Assembly resolution 46/51 of 9 December 1991.

2. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Secretary-General (A/48/267 and Corr.1 and Add.1), which was introduced by the Under-Secretary-General for Legal Affairs, the Legal Counsel, at the 11th meeting, on 14 October 1993.

4. The following communications were also circulated under this item:

(a) Letter dated 28 June 1993 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/48/225-S/26009);

(b) Letter dated 4 August 1993 from the Permanent Representative of Brazil to the United Nations addressed to the Secretary-General (A/48/291-S/26242 and Corr.1);

(c) Letter dated 13 August 1993 from the representatives of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America to the United Nations addressed to the Secretary-General (A/48/314-S/26304);

(d) Letter dated 9 September 1993 from the Permanent Representative of Grenada to the United Nations addressed to the Secretary-General (A/48/401);

(e) Letter dated 28 October 1993 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General (A/48/564);

(f) Letter dated 13 October 1993 from the Permanent Representatives of Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, the Republic of Moldova, the Russian Federation, Tajikistan, Turkmenistan, Ukraine and Uzbekistan (A/C.6/48/4).

5. The Committee considered the item at its 11th to 14th meetings, from 14 to 19 October 1993, and at its 39th meeting, on 3 December 1993. The summary records of those meetings reflect the views of the representatives who spoke during the Committee's discussion of the item (A/C.6/48/SR.11-14 and 39).

II. CONSIDERATION OF DRAFT DECISION A/C.6/48/L.21

6. At the 39th meeting, on 3 December, the Chairman of the Sixth Committee introduced a draft decision proposed by her and entitled "Measures to eliminate international terrorism" (A/C.6/48/L.21).

7. At the same meeting, the Chairman of the Sixth Committee read out a statement, which it had been agreed in the course of informal consultations would be made in connection with the draft decision (see A/C.6/48/SR.39):

> "The decision to place this item on the provisional agenda of the forty-ninth session has been taken in the light of the request for views of States contained therein. It is a procedural decision. While reaffirming its condemnation of all acts, methods and practices of terrorism, as contained in its resolution 46/51, the General Assembly calls for the strengthening of cooperation among States in combating all terrorist activities."

8. Also at its 39th meeting, the Sixth Committee adopted draft decision A/C.6/48/L.21 without a vote (see para. 10).

9. The representative of Peru made a statement in explanation of position before the adoption of the draft decision. The representatives of Algeria and the Syrian Arab Republic made statements in explanation of position after the adoption of the draft decision (see A/C.6/48/SR.39).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

10. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision in connection with which the Chairman made the statement referred to in paragraph 7 above:

Measures to eliminate international terrorism

The General Assembly,

Having considered the agenda item entitled "Measures to eliminate international terrorism",

(a) Requests the Secretary-General to seek the views of Member States on the proposals submitted by Governments contained in his report 1/ or made during the debate on this item at its forty-eighth session in the Sixth Committee or contained in resolution 46/51 of 9 December 1991 on practical measures to eliminate acts of terrorism, on ways and means of enhancing the role of the United Nations and the relevant specialized agencies in combating international terrorism, and on ways to consider this question within the Sixth Committee;

(b) Decides to include in the provisional agenda of its forty-ninth session the item entitled "Measures to eliminate international terrorism", without prejudice to the question of whether the item will thereafter be considered annually or biennially.

1/ A/48/267 and Corr.1 and Add.1.

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PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER

Report of the Sixth Committee

Rapporteur: Mr. Oleksandr F. MOTSYK (Ukraine)

I. INTRODUCTION

1. The item entitled "Progressive development of the principles and norms of international law relating to the new international economic order" was included in the provisional agenda of the forty-eighth session of the General Assembly pursuant to paragraph 5 of General Assembly resolution 46/52 of 9 December 1991.

2. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it a report of the Secretary-General (A/48/268).

4. At its forty-sixth session, in its resolution 46/52, the General Assembly had decided to establish a working group of the Sixth Committee to develop the principles and norms of international law relating to the new international economic order. Pursuant to that resolution, the Sixth Committee, at its 11th meeting, on 14 October 1993, elected Mr. Ali Thani Al-Suwaidi (United Arab Emirates), Vice-Chairman of the Sixth Committee, as Chairman of the Working Group.

5. The Sixth Committee initially considered the item at its 30th meeting, on 16 November. The summary record of that meeting contains the views of the representatives who spoke during the Committee's consideration of the item (A/C.6/48/SR.30).

6. At the 35th meeting, on 23 November, the Chairman of the Working Group presented an oral report on the work accomplished by the Working Group (see A/C.6/48/SR.35).

II. CONSIDERATION OF DRAFT DECISION A/C.6/48/L.13

7. At the 37th meeting, on 24 November, the Chairman of the Working Group introduced a draft decision entitled "Progressive development of the principles and norms of international law relating to the new international economic order", submitted by him (A/C.6/48/L.13).

8. At its 38th meeting, on 29 November, the Committee adopted draft decision A/C.6/48/L.13 without a vote (see para. 9).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Progressive development of the principles and norms of international law relating to the new international economic order

The General Assembly,

Taking note of the oral report presented at the 35th meeting of the Sixth Committee by the Chairman of the Working Group established under General Assembly resolution 46/52 of 9 December 1991,

Decides to resume consideration of the legal aspects of international economic relations at its fifty-first session and to include the item entitled "Progressive development of the principles and norms of international law relating to the new international economic order" in the provisional agenda of that session.

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UNITED NATIONS DECADE OF INTERNATIONAL LAW

Report of the Sixth Committee

Rapporteur: Mr. Oleksandr F. MOTSYK (Ukraine)

I. INTRODUCTION

1. The item entitled "United Nations Decade of International Law" was included in the provisional agenda of the forty-eighth session of the General Assembly pursuant to paragraph 11 of Assembly resolution 47/32 of 25 November 1992.

2. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the following documents:

(a) Report of the Secretary-General on the implementation of the programme for the second term (1993-1994) of the Decade (A/48/312), which was introduced by the Deputy to the Under-Secretary-General, at the 31st meeting, on 17 November;

(b) Report of the Secretary-General on the protection of the environment in times of armed conflict (A/48/269) which contained information received from the International Committee of the Red Cross;

(c) Report of the Secretary-General on a preliminary operational plan for a possible United Nations congress on public international law (A/48/435).

4. At its previous session, the General Assembly, in paragraph 1 of its resolution 47/32, had requested the Working Group on the United Nations Decade of International Law to continue its work at the forty-eighth session in accordance with its mandate and methods of work. Pursuant to that resolution, the Sixth Committee, at its 2nd meeting, on 24 September, elected Mr. Sani L. Mohammed (Nigeria) Chairman of the Working Group for the session. The Working Group held six meetings between 6 October and 16 November.

5. At the 31st meeting of the Sixth Committee, on 17 November, the Chairman of the Working Group introduced the report of the Working Group (A/C.6/48/L.9).

6. The Sixth Committee considered the item, as well as the report of the Working Group, at its 31st, 32nd and 38th meetings on 17, 18 and 29 November. The summary records of those meetings contain the views of the representative who spoke during the Committee's consideration of the item (A/C.6/48/SR.31, 32 and 38).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/48/L.16

7. At the 38th meeting, on 29 November, the representative of Nigeria introduced a draft resolution entitled "United Nations Decade of International Law (A/C.6/48/L.16), sponsored by Algeria, Argentina, Australia, Austria, Belgium, Benin, Bolivia, Brazil, Bulgaria, Colombia, Costa Rica, Cuba, the Czech Republic, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Finland, Germany, Ghana, Greece, Guatemala, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Jordan, Kenya, the Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mexico, Morocco, Myanmar, Nepal, New Zealand, Nigeria, Peru, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, Senegal, Sierra Leone, Slovakia, Spain, Sudan, Thailand, Trinidad and Tobago, Tunisia, Uganda, Ukraine, the United Arab Emirates, the United Republic of Tanzania, Uruguay, Viet Nam, Zaire, Zambia and Zimbabwe, later joined by Chile, Mongolia and the Philippines.

8. The Committee had before it a statement by the Secretary-General on the programme budget implications of the draft resolution (A/C.6/48/L.20).

9. At the same meeting, the Sixth Committee adopted draft resolution A/C.6/48/L.16 without a vote (see para. 11).

10. Statements in explanation of position were made by Sweden (speaking also on behalf of Canada) and the United States of America after the adoption of the draft resolution (see A/C.6/48/SR.38).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989, by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to resolution 44/23, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law,

Recalling further its resolution 47/32 of 25 November 1992, to which was annexed the programme for the activities for the second term (1993-1994) of the United Nations Decade of International Law,

Expressing its appreciation to the Secretary-General for his reports on the United Nations Decade of International Law, 1/ submitted pursuant to resolution 47/32,

Recalling that the Sixth Committee established at the forty-fifth session the Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations on the programme of activities for the Decade,

Noting that the Sixth Committee reconvened the Working Group at the forty-sixth, forty-seventh and forty-eighth sessions to continue its work in accordance with resolutions 45/40 of 28 November 1990, 46/53 of 9 December 1991 and 47/32,

Having considered the report of the Secretary-General 2/ containing information received from the International Committee of the Red Cross on the work of the Group of Experts on the Protection of the Environment in Times of Armed Conflict, conducted under the auspices of the International Committee of the Red Cross, and the draft guidelines for military manuals and instructions on the protection of the environment in times of armed conflict, annexed thereto,

1. Expresses its appreciation to the Sixth Committee and its Working Group on the United Nations Decade of International Law for their work at the current session, and requests the Working Group to continue its work at the forty-ninth session in accordance with its mandate and methods of work;

2. Also expresses its appreciation to States and international organizations and institutions that have undertaken activities in implementation of the programme for the second term (1993-1994) of the Decade, including sponsoring conferences on various subjects of international law;

1/ A/48/312, A/48/435.

2/ A/48/269.

3. Invites all States and international organizations and institutions referred to in the programme to provide, update or supplement information on activities they have undertaken in implementation of the programme, as appropriate, to the Secretary-General, as well as to submit their views on possible activities for the next term of the Decade;

4. Takes note with appreciation, in this respect, of the International Conference on the Protection of War Victims, held at Geneva from 30 August to 1 September 1993, and its Final Declaration adopted on 1 September 1993, as an important means for reaffirming, strengthening and promoting international humanitarian law, and reminds all States of their responsibility to respect and ensure respect for international humanitarian law in order to protect the victims of war;

5. Requests the Secretary-General to submit, on the basis of information received under paragraph 3 of the present resolution, a report to the General Assembly at its forty-ninth session on the implementation of the programme, together with views on possible activities for the next term of the Decade;

6. Also requests the Secretary-General to supplement his report, as appropriate, with new information on the activities of the United Nations relevant to the progressive development of international law and its codification, and to submit it to the General Assembly on an annual basis;

7. Encourages States to disseminate at the national level, as appropriate, information contained in the report of the Secretary-General;

8. Appeals to States, international organizations and non-governmental organizations working in this field and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

9. Once again requests the Secretary-General to bring to the attention of States and international organizations and institutions working in the field of international law the programme annexed to resolution 47/32;

10. Decides that a United Nations congress on public international law should be held in 1995, as proposed in part III of the report of the Working Group, 3/ and requests the Secretary-General to proceed with the preparations for the congress and keep the Member States informed of the status of the preparations;

11. Expresses its appreciation of the work carried out by the Group of Experts on the Protection of the Environment in Times of Armed Conflict conducted under the auspices of the International Committee of the Red Cross and of the report prepared by the International Committee of the Red Cross; 4/

12. Invites all States to review the draft guidelines for military manuals and instructions on the protection of the environment in times of armed conflict

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3/ A/C.6/48/L.9.

4/ A/48/269, chap. II.

annexed to the report of the International Committee of the Red Cross and to provide their comments thereon to the International Committee, either directly or through the Secretary-General, no later than 31 March 1994;

13. Welcomes the intention of the International Committee of the Red Cross to draw up a new version of the guidelines for military manuals, taking into account the comments made by States on the report of the Secretary-General 2/ containing information received from the International Committee, and notes that the International Committee is ready to convene, if need be, a meeting of government experts for that purpose;

14. Requests the Secretary-General to invite the International Committee of the Red Cross to report on activities undertaken by the Committee and other relevant bodies with regard to the protection of the environment in times of armed conflict, and to submit the information received in the report to be prepared under paragraph 5 of the present resolution to the General Assembly at its forty-ninth session;

15. Decides to include in the provisional agenda of its forty-ninth session the item entitled "United Nations Decade of International Law".

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Forty-eighth session
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REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-FIFTH SESSION

Report of the Sixth Committee

Rapporteur: Mr. Oleksandr F. MOTSYK (Ukraine)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 24 September 1993, the General Assembly on the recommendation of the General Committee, decided to include in its agenda the item entitled "Report of the International Law Commission on the work of its forty-fifth session" and to allocate it to the Sixth Committee.

2. In connection with the item, the Sixth Committee had before it the following documents:

(a) Report of the International Law Commission on the work of its forty-fifth session; 1/

(b) Note by the Secretary-General containing the text of the draft articles adopted by the International Law Commission on topics considered at its forty-fifth session (A/48/303);

(c) Letter dated 19 May 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General (A/48/170-S/25801).

(d) Letter dated 28 October 1993 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General (A/48/564).

1/ Official Records of the General Assembly, Forty-eighth session, Supplement No. 10 (A/48/10).

3. The Sixth Committee considered the item at its 17th to 28th meetings, from 25 to 29 October and from 1 to 5 November, and at its 37th and 38th meetings, on 24 and 29 November 1993. The summary records of those meetings contain the views of the representatives who spoke during the Committee's consideration of the item (A/C.6/48/SR.17-28, 37 and 38).

4. At the 17th meeting, on 25 October, Mr. Julio Barboza, Chairman of the International Law Commission at its forty-fifth session, introduced the Commission's report on the work of that session (see A/C.6/48/SR.17). At the 28th meeting, on 5 November, the Chairman of the Commission made a closing statement.

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/48/L.11

5. At the 37th meeting, on 24 November, the representative of Uruguay introduced a draft resolution entitled "Report of the International Law Commission on the work of its forty-fifth session" (A/C.6/48/L.11), sponsored by Argentina, Australia, Austria, Brazil, Bulgaria, Canada, Costa Rica, the Czech Republic, Denmark, Ecuador, El Salvador, Finland, France, Hungary, Indonesia, Ireland, Italy, Japan, New Zealand, Poland, Portugal, Romania, the Russian Federation, Rwanda, Senegal, Slovakia, Thailand, Trinidad and Tobago, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela, later joined by Belarus, Chile, Germany, Morocco, the Netherlands, Norway, the Republic of Moldova and Sweden.

6. At its 38th meeting, on 29 November, the Committee adopted draft resolution A/C.6/48/L.11 without a vote (see para. 8).

7. The representative of Cuba made a statement in explanation of position after the adoption of the draft resolution (see A/C.6/48/SR.38).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

8. The Sixth Committee recommends to the General Assembly the adoption of the following resolution:

Report of the International Law Commission on the work of its forty-fifth session

The General Assembly,

Having considered the report of the International Law Commission on the work of its forty-fifth session, 2/

2/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 10 (A/48/10).

Emphasizing the need for the progressive development of international law and its codification in order to make it a more effective means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations 3/ and to give increased importance to its role in relations among States,

Recognizing the importance of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission, and of enabling the Sixth Committee and the Commission further to enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

Recognizing the role of the International Law Commission in the fulfilment of the objectives of the United Nations Decade of International Law,

Expressing its appreciation for the progress achieved by the International Law Commission in its elaboration of a draft statute for an international criminal court, and noting the constructive debate in the Sixth Committee pertaining to this question,

Considering that experience has demonstrated the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention on each of the main topics dealt with in the report, and that this process is facilitated when the Commission indicates specific issues on which expressions of views by Governments are of particular interest for the continuation of its work,

1. Takes note of the report of the International Law Commission on the work of its forty-fifth session; 2/

2. Expresses its appreciation to the International Law Commission for the work accomplished at that session;

3. Recommends that, taking into account the comments of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work on the topics in its current programme;

3/ Resolution 2625 (XXV), annex.

4. Takes note with appreciation of chapter II of the report of the International Law Commission, entitled "Draft Code of Crimes against the Peace and Security of Mankind", which was devoted to the question of a draft statute for an international criminal court;

5. Invites States to submit to the Secretary-General by 15 February 1994, as requested by the International Law Commission, written comments on the draft articles proposed by the Working Group on a draft statute for an international criminal court;

6. Requests the International Law Commission to continue its work as a matter of priority on this question with a view to elaborating a draft statute if possible at its forty-sixth session in 1994, taking into account the views expressed during the debate in the Sixth Committee as well as any written comments received from States;

7. Endorses the decision of the International Law Commission to include in its agenda the topics "The law and practice relating to reservations to treaties" and "State succession and its impact on the nationality of natural and legal persons", 4/ on the understanding that the final form to be given to the work on these topics shall be decided after a preliminary study is presented to the General Assembly;

8. Notes the intentions of the International Law Commission for the programme of work for the remainder of the current term of office of its members, 5/ and in this connection requests the Commission to resume at its forty-sixth session the consideration of the draft Code of Crimes against the Peace and Security of Mankind and welcomes the Commission's decision to endeavour to complete in 1994 the second reading of the draft articles on the law of the non-navigational uses of international watercourses;

9. Expresses its appreciation for the efforts of the International Law Commission to improve its procedures and methods of work;

10. Requests the International Law Commission:

(a) To consider thoroughly:

(i) The planning of its activities and programme for the term of office of its members, bearing in mind the desirability of achieving as much progress as possible in the preparation of draft articles on specific topics;

4/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 10 (A/48/10), para. 440.

5/ Ibid., para. 424.

(ii) Its methods of work in all their aspects, bearing in mind that the staggering of the consideration of some topics might contribute, inter alia, to a more effective consideration of its report in the Sixth Committee;

(b) To continue to pay special attention to indicating in its annual report, for each topic, those specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest for the continuation of its work;

11. Takes note of the comments of the International Law Commission on the question of the duration of its session, as presented in its report, 6/ and expresses the view that the requirements of the work for the progressive development of international law and its codification and the magnitude and complexity of the subjects on the agenda of the Commission make it desirable that the usual duration of its sessions be maintained;

12. Reaffirms its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

13. Once again expresses the wish that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and expresses the hope that every effort will continue to be made by the Secretary-General, within existing resources, to provide the seminars with adequate services, including interpretation, as required;

14. Requests the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the forty-eighth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate;

15. Recommends the continuation of efforts to improve the ways in which the report of the International Law Commission is considered in the Sixth Committee, with a view to providing effective guidance for the Commission in its work;

16. Also recommends that the debate on the report of the International Law Commission at the forty-ninth session of the General Assembly commence on 24 October 1994.

6/ Ibid., para. 452.

UNITED
NATIONS

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General Assembly

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A/48/613
24 November 1993

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Forty-eighth session
Agenda item 144

REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-SIXTH SESSION

Report of the Sixth Committee

Rapporteur: Mr. Oleksandr F. MOTSYK (Ukraine)

I. INTRODUCTION

1. The item entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session" was included in the provisional agenda of the forty-eighth session of the General Assembly pursuant to Assembly resolution 47/34 of 25 November 1992.

2. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the following documents:

(a) Report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session; 1/

(b) Report of the Secretary-General on the implementation of paragraphs 12 and 13 of General Assembly resolution 47/34 on granting travel assistance to delegates of developing countries (A/48/296).

4. The Sixth Committee considered the item at its 3rd, 4th and 33rd meetings, on 4 and 5 October and 19 November 1993. The summary records of those meetings (A/C.6/48/SR.3, 4 and 33) contain the views of the representatives who spoke on the item.

1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 17 (A/48/17).

5. At the 3rd meeting, on 4 October, Mr. Sani L. Mohammed (Nigeria), Chairman of the United Nations Commission on International Trade Law at its twenty-sixth session, introduced the Commission's report on the work of that session. At the 4th meeting, on 5 October, the Chairman of the Commission made a closing statement.

II. CONSIDERATION OF PROPOSALS

A. Draft resolution A/C.6/48/L.6

6. At the 33rd meeting, on 19 November, the representative of Austria introduced a draft resolution entitled "Report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session" (A/C.6/48/L.6), sponsored by Argentina, Australia, Austria, Azerbaijan, Belarus, Brazil, Bulgaria, Canada, Cyprus, the Czech Republic, Denmark, Finland, France, Greece, Italy, Kyrgyzstan, Morocco, Myanmar, Norway, Poland, the Russian Federation, Singapore, Sweden, Thailand, Turkey, Ukraine and Venezuela, later joined by Germany, Hungary, Kenya, Nigeria and Spain.

7. At the same meeting, the Secretary of the Committee made a statement concerning paragraph 5 of the draft resolution (see A/C.6/48/SR.33).

8. Also at the same meeting, the Committee adopted draft resolution A/C.6/48/L.6 without a vote (see para. 14, draft resolution I).

B. Draft resolution A/C.6/48/L.7

9. At the 33rd meeting, the representative of Austria introduced a draft resolution entitled "Model Law on Procurement of Goods and Construction of the United Nations Commission on International Trade Law" (A/C.6/48/L.7), sponsored by Argentina, Australia Austria, Belarus, Canada, Cyprus, Denmark, France, Italy, Kyrgyzstan, Poland, the Russian Federation, Thailand, Ukraine and the United States of America, later joined by Germany, Hungary, Kenya, Nigeria and Spain.

10. At the same meeting, the Committee adopted draft resolution A/C.6/48/L.7 without a vote (see para. 14, draft resolution II).

C. Draft resolution A/C.6/48/L.8

11. At the 33rd meeting, the representative of Austria introduced a third draft resolution entitled "United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules)" (A/C.6/48/L.8), sponsored by Australia, Austria, Cyprus, Kyrgyzstan, Morocco, Sweden and Thailand, later joined by Hungary and Nigeria.

12. At the same meeting, the Committee adopted draft resolution A/C.6/48/L.8 without a vote (see para. 14, draft resolution III).

13. The representative of Japan made a statement in explanation of position after the adoption of the draft resolutions (see A/C.6/48/SR.33).

III. RECOMMENDATIONS OF THE SIXTH COMMITTEE

14. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolutions:

DRAFT RESOLUTION I

Report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, especially those affecting the developing countries, would significantly contribute to universal economic cooperation among all States on a basis of equality, equity and common interest and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Stressing the value of participation by States at all levels of economic development and from different legal systems in the process of harmonizing and unifying international trade law,

Having considered the report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session, 2/

Mindful of the valuable contribution being rendered by the United Nations Commission on International Trade Law within the framework of the United Nations Decade of International Law,

Having considered also the report of the Secretary-General, 3/

Concerned about the continuing relatively low incidence of expert representation from developing countries at sessions of the Commission and particularly of its working groups during recent years, due in part to inadequate resources to finance the travel of such experts,

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2/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 17 (A/48/17).

3/ A/48/296.

1. Takes note with appreciation of the report of the United Nations Commission on International Trade Law on the work of its twenty-sixth session;

2. Welcomes the ongoing work of the Commission and appreciates the many proposals on possible future work made during the Congress on International Trade Law of the United Nations Commission on International Trade Law, held in New York from 18 to 22 May 1992 and, in this connection:

(a) Welcomes the decision of the Commission to request the secretariat to commence work in preparation of guidelines for pre-hearing conferences in arbitral proceedings;

(b) Also welcomes the decision of the Commission to continue considering the other proposals made during the Congress as part of its future programme of work;

3. Reaffirms the mandate of the Commission, as the core legal body within the United Nations system in the field of international trade law, to coordinate legal activities in this field in order to avoid duplication of effort and to promote efficiency, consistency and coherence in the unification and harmonization of international trade law and, in this connection, recommends that the Commission, through its secretariat, continue to maintain close cooperation with the other intergovernmental and non-governmental organizations, including regional organizations, active in the field of international trade law;

4. Also reaffirms the importance, in particular for developing countries, of the work of the Commission concerned with training and assistance in the field of international trade law and the desirability for it to sponsor seminars and symposia to provide such training and assistance, and, in this connection:

(a) Expresses its appreciation to the Commission for organizing seminars in Bangkok; Jakarta; Lahore, Pakistan; Colombo; Dhaka; Kiev; Warsaw; and Rogaska Slatina, Slovenia, and for assisting the Pacific Economic Cooperation Council with its initiative to promote harmonization of international trade law in the Asia-Pacific region, and to the Governments whose contributions enabled the seminars to take place;

(b) Urges Governments, the relevant United Nations organs, organizations, institutions and individuals to make voluntary contributions to the trust fund for the United Nations Commission on International Trade Law symposia and, where appropriate, to the financing of special projects, and otherwise to assist the secretariat of the Commission in financing and organizing seminars and symposia, in particular in developing countries, and in the award of fellowships to candidates from developing countries to enable them to participate in such seminars and symposia;

(c) Appeals to the United Nations Development Programme and other United Nations bodies responsible for development assistance to support the Commission's training and technical assistance programme and to cooperate and coordinate their activities with those of the Commission;

5. Requests the Secretary-General, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to establish a separate trust fund for the Commission to grant travel assistance to developing countries that are members of the Commission, at their request and in consultation with the Secretary-General;

6. Decides, in order to ensure full participation by all Member States in the sessions of the Commission and its working groups, to continue its consideration in the competent Main Committee during the forty-eighth session of the General Assembly on granting travel assistance, within existing resources, to the least developed countries that are members of the Commission, at their request and in consultation with the Secretary-General;

7. Expresses its appreciation to the Commission for organizing the Fifth Symposium on International Trade Law of the United Nations Commission on International Trade Law at Vienna from 12 to 16 July 1993 during its twenty-sixth session;

8. Stresses the importance of bringing into effect the conventions emanating from the work of the Commission for the global unification and harmonization of international trade law, and to this end invites States that have not yet done so to consider signing, ratifying or acceding to these conventions;

9. Requests the Secretary-General to submit a report on the implementation of paragraphs 5 and 6 of the present resolution to the General Assembly at its forty-ninth session.

DRAFT RESOLUTION II

Model Law on Procurement of Goods and Construction of the United Nations Commission on International Trade Law

The General Assembly,

Recalling its resolution 2205 (XXI) of 17 December 1966, by which it created the United Nations Commission on International Trade Law with a mandate to further the progressive harmonization and unification of the law of international trade and in that respect to bear in mind the interests of all peoples, in particular those of developing countries, in the extensive development of international trade,

Noting that procurement constitutes a large portion of public expenditure of most States,

Noting also that a model law on procurement establishing procedures designed to foster integrity, confidence, fairness and transparency in the procurement process will also promote economy, efficiency and competition in procurement and thus lead to increased economic development,

Being of the opinion that the establishment of a model law on procurement that is acceptable to States with different legal, social and economic systems contributes to the development of harmonious international economic relations,

Being convinced that the Model Law on Procurement of Goods and Construction of the United Nation Commission on International Trade Law 4/ will significantly assist all States, including developing countries and States whose economies are in transition, in enhancing their existing procurement laws and formulating procurement laws where none presently exist,

1. Takes note with satisfaction of the completion and adoption by the Commission of the Model Law on Procurement of Goods and Construction together with the Guide to Enactment of the Model Law; 5/

2. Recommends that, in view of the desirability of improvement and uniformity of the laws of procurement, States give favourable consideration to the Model Law when they enact or revise their procurement laws;

3. Recommends also that all efforts be made to ensure that the Model Law together with the Guide to Enactment become generally known and available.

DRAFT RESOLUTION III

United Nations Convention on the Carriage of Good by Sea, 1978 (Hamburg Rules)

The General Assembly,

Reaffirming its conviction that the progressive harmonization and unification of international trade law, in reducing or removing legal obstacles to the flow of international trade, would significantly contribute to universal economic cooperation among all States on a basis of equality, equity and common interest, and to the elimination of discrimination in international trade and, thereby, to the well-being of all peoples,

Recalling the entry into force, on 1 November 1992, of the United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules), 6/

4/ See Official Records of the General Assembly, Forty-eighth Session, Supplement No. 17 (A/48/17), chap. II.

5/ Ibid., paras. 218-258.

6/ Official Records of the United Nations Conference on the Carriage of Goods by Sea, Hamburg, 6-31 March 1978 (United Nations publication, Sales No. E.80.VIII.1), document A/CONF.89/13, annex I.

1. Invites all States to consider becoming parties to the United Nations Convention on the Carriage of Goods by Sea, 1978 (Hamburg Rules);

2. Requests the Secretary-General to continue to make increased efforts to promote wider adherence to the Convention.

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29 November 1993

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Forty-eighth session
Agenda item 145

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY

Report of the Sixth Committee

Rapporteur: Mr. Oleksandr F. MOTSYK (Ukraine)

I. INTRODUCTION

1. The item entitled "Report of the Committee on Relations with the Host Country" was included in the provisional agenda of the forty-eighth session of the General Assembly pursuant to paragraph 9 of Assembly resolution 47/35 of 25 November 1992.

2. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Committee on Relations with the Host Country, 1/ which was introduced by the Chairman of the Committee on Relations with the Host Country at the 35th meeting, on 23 November 1993.

4. The Sixth Committee considered the item at its 35th and 37th meetings, on 23 and 24 November 1993. The summary records of those meetings contain the views of the representatives who spoke during the Committee's consideration of the item (A/C.6/48/SR.35 and 37).

II. CONSIDERATION OF DRAFT RESOLUTION (A/C.6/48/L.10)

5. At the 37th meeting, on 24 November, the representative of Cyprus introduced a draft resolution entitled "Report of the Committee on Relations with the Host Country" (A/C.6/48/L.10), sponsored by Bulgaria, Canada, Costa Rica, Côte d'Ivoire and Cyprus, later joined by the Russian Federation.

1/ A/48/26; to be issued in final form as Official Records of the General Assembly, Forty-eighth Session, Supplement No. 26 (A/48/26).

6. At the same meeting, the Committee adopted draft resolution A/C.6/48/L.10 without a vote (see para. 7).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Committee on Relations with the Host Country

The General Assembly,

Having considered the report of the Committee on Relations with the Host Country, 2/

Recalling Article 105 of the Charter of the United Nations, the Convention on the Privileges and Immunities of the United Nations 3/ and the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations 4/ and the responsibilities of the host country,

Recognizing that effective measures should continue to be taken by the competent authorities of the host country, in particular to prevent any acts violating the security of missions and the safety of their personnel,

Noting the spirit of cooperation and mutual understanding that has guided the deliberations of the Committee on issues affecting the United Nations community and the host country,

Welcoming the increased interest shown by Member States in participating in the work of the Committee,

Welcoming also the efforts to explore ways to rationalize the work of the Committee, and in particular its agenda,

1. Endorses the recommendations and conclusions of the Committee on Relations with the Host Country contained in paragraph 58 of its report; 2/

2. Considers that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interests of the United Nations and all Member States, and expresses the hope that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

2/ Ibid.

3/ Resolution 22 A (I).

4/ See resolution 169 (II).

3. Expresses its appreciation for the efforts made by the host country, and hopes that problems raised at the meetings of the Committee will continue to be resolved in a spirit of cooperation and in accordance with international law;

4. Voices its concern that the amount of financial indebtedness resulting from non-compliance with contractual obligations of certain missions accredited to the United Nations has increased to alarming proportions, reminds all permanent missions to the United Nations, their personnel and Secretariat personnel of their responsibilities to meet such obligations, and expresses the hope that the efforts undertaken by the Committee, in consultation with all concerned, will lead to a solution of this problem;

5. Welcomes the lifting of travel controls by the host country with regard to certain missions and staff members of the Secretariat of certain nationalities, and expresses the hope that the remaining travel restrictions will be removed by the host country as soon as possible, and in this regard notes the positions of the affected States, of the Secretary-General and of the host country;

6. Supports the efforts of the Chairman of the Committee, Member States and the Secretariat to explore ways to rationalize the work of the Committee and its agenda, permitting it to remain efficient and responsive, and in keeping with the overall spirit of its mandate;

7. Requests the Secretary-General to remain actively engaged in all aspects of the relations of the United Nations with the host country;

8. Requests the Committee to continue its work, in conformity with General Assembly resolution 2819 (XXVI) of 15 December 1971;

9. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Report of the Committee on Relations with the Host Country".

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3 December 1993

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Forty-eighth session
Agenda item 146

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

Report of the Sixth Committee

Rapporteur: Mr. Oleksandr F. MOTSYK (Ukraine)

I. INTRODUCTION

1. The item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" was included in the provisional agenda of the forty-eighth session of the General Assembly pursuant to paragraph 7 of Assembly resolution 47/38 of 25 November 1992.

2. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, 1/ which was introduced by the Chairman of the Special Committee at the 5th meeting of the Committee, on 6 October 1993.

4. The following communications were also circulated under the item:

(a) Letters dated 14 April, 9 and 14 June and 7 September 1993, from the Permanent Representative and the Chargé d'affaires a.i. of the Permanent Mission of the United Arab Emirates to the United Nations addressed to the Secretary-General (A/48/140-S/25597; A/48/205-S/25923; A/48/209-S/25937; and A/48/379-S/26411);

1/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 33 (A/48/33 and Corr.1).

(b) Letter dated 13 September 1993 from the Permanent Representative of Sierra Leone to the United Nations addressed to the Secretary-General (A/48/398);

(c) Note verbale dated 27 September 1993 from the Permanent Representative of Bulgaria to the United Nations addressed to the Secretary-General (A/48/445-S/26501).

5. The Sixth Committee considered the item at its 5th to 11th and 38th meetings, on 6, 8 and 11 to 14 October and 29 November 1993. The summary records of those meetings contain the views of the representatives who spoke during the Committee's consideration of the item (A/C.6/48/SR.5-11 and 38).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.6/48/L.18

6. At the 38th meeting, on 29 November, the representative of Egypt introduced a draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/C.6/48/L.18), sponsored by Australia, Brazil, Canada, Ecuador, Egypt, El Salvador, Finland, Guatemala, Hungary, Morocco, New Zealand, Nigeria, Romania, Spain, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine and Uruguay, later joined by Bulgaria, Colombia, Ethiopia, Indonesia, Italy, the Philippines and Slovakia.

7. The Secretary of the Committee made a statement on the programme budget implications of the draft resolution (see A/C.6/48/SR.38).

8. Also at its 38th meeting, the Committee adopted draft resolution A/C.6/48/L.18 without a vote (see para. 9).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

9. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

The General Assembly,

Recalling its resolution 3499 (XXX) of 15 December 1975, by which it established the Special Committee on the Charter of the United Nations and on

the Strengthening of the Role of the Organization, and its relevant resolutions adopted at subsequent sessions, 2/

Recalling also its resolution 47/233 of 17 August 1993 on the revitalization of the work of the General Assembly,

Recalling further its resolution 47/62 of 11 December 1992 on the question of equitable representation on and increase in the membership of the Security Council,

Bearing in mind the reports of the Secretary-General on the work of the Organization submitted to the General Assembly at its thirty-seventh, 3/ thirty-ninth, 4/, fortieth, 5/ forty-first, 6/ forty-second, 7/ forty-third, 8/ forty-fourth, 9/ forty-fifth, 10/ forty-sixth, 11/ forty-seventh 12/ and forty-eighth 13/ sessions, as well as the views and comments expressed on them by Member States,

Welcoming the report of the Secretary-General of 8 November 1993, 14/

2/ Resolutions 31/28 of 29 November 1976, 32/45 of 8 December 1977, 33/94 of 16 December 1978, 34/147 of 17 December 1979, 35/164 of 15 December 1980, 36/122 of 11 December 1981, 37/114 of 16 December 1982, 38/141 of 19 December 1983, 39/88 of 13 December 1984, 40/78 of 11 December 1985, 41/83 of 3 December 1986, 42/157 of 7 December 1987, 43/170 of 9 December 1988, 44/37 of 4 December 1989, 45/44 of 28 November 1990, 46/58 of 9 December 1991 and 47/38 of 25 November 1992.

3/ Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 1 (A/37/1).

4/ Ibid., Thirty-ninth Session, Supplement No. 1 (A/39/1).

5/ Ibid., Fortieth Session, Supplement No. 1 (A/40/1).

6/ Ibid., Forty-first Session, Supplement No. 1 (A/41/1).

7/ Ibid., Forty-second Session, Supplement No. 1 (A/42/1).

8/ Ibid., Forty-third Session, Supplement No. 1 (A/43/1).

9/ Ibid., Forty-fourth Session, Supplement No. 1 (A/44/1).

10/ Ibid., Forty-fifth Session, Supplement No. 1 (A/45/1).

11/ Ibid., Forty-sixth Session, Supplement No. 1 (A/46/1).

12/ Ibid., Forty-seventh Session, Supplement No. 1 (A/47/1).

13/ Ibid., Forty-eighth Session, Supplement No. 1 (A/48/1).

14/ A/48/573-S/26705.

Recalling the elements relevant to the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization contained in its resolution 47/120 B of 20 September 1993,

Noting the discussions in the Security Council towards strengthening the consultative process in accordance with Article 50 of the Charter with a view to minimizing special economic problems of countries adversely affected as a result of their implementation of preventive or enforcement measures under Chapter VII of the Charter,

Mindful of the desirability for the Special Committee to carry out further work in the fields of the maintenance of international peace and security and the peaceful settlement of disputes between States,

Bearing in mind various proposals submitted to the General Assembly at its forty-eighth session aimed at strengthening the role of the Organization and enhancing its effectiveness,

Having considered the report of the Special Committee on the work of its session held in 1993, 15/

1. Takes note of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization; 15/

2. Decides that the Special Committee will hold its next session from 7 to 25 March 1994;

3. Requests the Special Committee, at its session in 1994, in accordance with the provisions of paragraph 4 below:

(a) To accord appropriate time for the consideration of all proposals concerning the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations and, in this context:

(i) To consider on a priority basis proposals on the implementation of the provisions of the Charter of the United Nations related to assistance to third States affected by the application of sanctions under Chapter VII of the Charter;

(ii) To continue its consideration, also on a priority basis, of the proposal on the enhancement of cooperation between the United Nations and regional organizations;

(iii) To consider other specific proposals relating to the maintenance of international peace and security already submitted to the Special Committee or which might be submitted to the Special Committee at its

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15/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 33 (A/48/33).

session in 1994, including the proposal on the strengthening of the role of the Organization and enhancement of its efficiency and the revised proposal submitted with a view to enhancing the effectiveness of the Security Council with regard to the maintenance of international peace and security;

(b) To continue its work on the question of the peaceful settlement of disputes between States and in this context:

(i) To continue its consideration of the proposal on United Nations rules for the conciliation of disputes between States;

(ii) To continue its consideration of other specific proposals relating to the peaceful settlement of disputes between States, in particular those relating to the enhancement of the role of the International Court of Justice;

4. Also requests the Special Committee to be mindful of the importance of reaching general agreement whenever that has significance for the outcome of its work;

5. Decides that the Special Committee shall continue to accept the participation of observers of Member States in its meetings, including those of its working group, and also decides that the Special Committee shall be authorized to invite other States or intergovernmental organizations to participate in the debate in plenary meetings of the Special Committee on specific items where it considers that such participation would assist in its work;

6. Invites the Special Committee at its session in 1994 to initiate a review of its membership and to consider various proposals regarding this membership;

7. Requests the Special Committee to submit a report on its work to the General Assembly at its forty-ninth session;

8. Decides to include in the provisional agenda of its forty-ninth session the item entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

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CONVENTION ON JURISDICTIONAL IMMUNITIES OF STATES AND THEIR PROPERTY

Report of the Sixth Committee

Rapporteur: Mr. Oleksandr F. MOTSYK (Ukraine)

I. INTRODUCTION

1. The item entitled "Convention on jurisdictional immunities of States and their property" was included in the provisional agenda of the forty-eighth session of the General Assembly pursuant to paragraph (c) of Assembly decision 47/414 of 25 November 1992.

2. At its 3rd plenary meeting, on 24 September 1993, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. In connection with the item, the Sixth Committee had before it chapter II of the report of the International Law Commission on the work of its forty-third session, 1/ which contained the draft articles on jurisdictional immunities of States and their property, adopted at that session by the Commission. It also had before it the following documents:

(a) Note verbale dated 12 August 1993 from the Permanent Representative of Belgium to the United Nations addressed to the Secretary-General (A/48/313);

(b) Note verbale dated 30 September 1993 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General (A/48/464);

(c) Note verbale dated 6 October 1993 from the Permanent Mission of Bulgaria to the United Nations addressed to the Secretary-General (A/C.6/48/3).

1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10).

4. At its 2nd meeting, on 24 September, the Sixth Committee, in accordance with General Assembly decision 47/414, re-established the Working Group it had established at its forty-seventh session to deal with the item. In pursuance of decision 47/414, the Working Group was to continue consideration of: (a) issues of substance arising out of the draft articles on jurisdictional immunities of States and their property, adopted by the International Law Commission at its forty-third session; and (b) the question of the convening of an international conference, to be held in 1994 or subsequently, to conclude a convention on jurisdictional immunities of States and their property, in order to facilitate the successful conclusion of a convention through the promotion of general agreement, on the understanding that two weeks, starting from 27 September, would be devoted at the beginning of the forty-eighth session to concentrated work, during at least 10 to 12 meetings, in the Working Group.

5. Also at its 2nd meeting, the Sixth Committee re-elected Mr. Carlos Calero-Rodrigues (Brazil) Chairman of the Working Group.

6. The Working Group held 14 meetings between 27 September and 8 October.

7. At the 29th meeting of the Sixth Committee, on 15 November, the Chairman of the Working Group introduced the report of the Working Group (A/C.6/48/L.4 and Corr.2).

8. The Sixth Committee considered the item, as well as the report of the Working Group, at its 29th meeting, on 15 November. The summary record of that meeting contains the views of the delegations that spoke during the consideration of the item (see A/C.6/48/SR.29).

II. CONSIDERATION OF DRAFT DECISION A/C.6/48/L.5

9. At the 29th meeting, on 15 November, the Chairman of the Working Group introduced a draft decision entitled "Convention on jurisdictional immunities of States and their property" (A/C.6/48/L.5).

10. At the same meeting, the Commission adopted draft decision A/C.6/48/L.5 without a vote (see para. 12).

11. A statement in explanation of position was made by the representative of Austria (see A/C.6/48/SR.29).

III. RECOMMENDATION OF THE SIXTH COMMITTEE

12. The Sixth Committee recommends to the General Assembly the adoption of the following draft decision:

Convention on jurisdictional immunities of States and their property

The General Assembly:

(a) Takes note of the report of the Working Group 2/ established by the General Assembly in its resolution 46/55 of 9 December 1991 and reconvened pursuant to General Assembly decision 47/414 of 25 November 1992 to consider:

(i) Issues of substance arising out of the draft articles on jurisdictional immunities of States and their property, adopted by the International Law Commission at its forty-third session; 3/

(ii) The question of the convening of an international conference, to be held in 1994 or subsequently, to conclude a convention on jurisdictional immunities of States and their property;

(b) Decides that consultations shall be held in the framework of the Sixth Committee during one week at the beginning of its forty-ninth session, namely, from 26 to 30 September 1994, to continue consideration of the substantive issues regarding which the identification and attenuation of differences is desirable in order to facilitate the successful conclusion of a convention through general agreement;

(c) Also decides that, at its forty-ninth session, in the light of the progress thus far achieved and of the results of the consultations mentioned above, it will give full consideration to the recommendation of the International Law Commission that an international conference of plenipotentiaries be convened to examine the articles on the jurisdictional immunities of States and their property and to conclude a convention on the subject; 4/

(d) Further decides to include in the provisional agenda of its forty-ninth session the item entitled "Convention on jurisdictional immunities of States and their property".

2/ A/C.6/48/L.4 and Corr.2.

3/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10), chap. II, sect. D.

4/ Ibid., sect. B, para. 25.